



Public Notice

**US ARMY CORPS
OF ENGINEERS**
St. Louis District
Gateway to Excellence

Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-R
1222 Spruce Street
St. Louis, Missouri 63103-2833

Permission No.
OD-R 24-018
Public Notice Date
September 26, 2024
Expiration Date
October 25, 2024

Postmaster, Please Post Conspicuously Until:

REQUEST FOR PERMISSION TO MODIFY A U.S. ARMY CORPS OF ENGINEERS PROJECT UNDER SECTION 408

Interested parties are hereby notified that an application has been received for a Department of the Army Section 408 permission for certain work near federally constructed flood protection projects of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers Public Notice number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Readiness Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Jeffrey Wells, P.E.
or Jeffrey.M.Wells@usace.army.mil

REQUESTER: Parsons Corporation on behalf of BP Terminals and Pipelines. Attention: Ms. Abigail Lanham, M.En

LOCATION: The site is located within the Consolidated North County Levee System. The work is located at the approximate coordinates 38°51'10.27"N 90°9'15.68"W in West Alton, MO. (St Charles County, Missouri).

PROPOSED ACTION: The applicant is requesting to make alterations to the Consolidated North County Levee System. The proposed alteration includes the inspection/repair of the 12-inch Madisonville Pipeline located in the foundation of the Consolidated North County Levee System. Specifically, this Section 408 application details the excavation and restoration of the levee embankment that will be altered to access the pipeline.

LOCATION MAPS AND DRAWINGS: See Attachment

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Jeffrey Wells, P.E., St. Louis District 408 Coordinator, U.S. Army Corps of Engineers, at (314) 331-8568. Your inquiries may also be sent by e-mail to Jeffrey.M.Wells@usace.army.mil.

REGULATORY AUTHORITY: The St. Louis District Regulatory Branch has conducted a preliminary review of the proposed project. Based upon review of the project activity description, as well as the location of the work, the Regulatory Branch determined that this activity does not trigger the need for a Department of the Army Permit under Section 404 of the Clean Water Act. If additional infrastructure plans are developed that include impacts to Waters of the U.S., then a permit application would need to be submitted to the Regulatory Branch. It should be noted that although this proposal does not need a Section 404 permit based on submitted plans, any revisions to the applicant's proposal may be subject to permitting.

EVALUATION: The decision whether to grant the requested permission for project modification under Section 408 will be based on several factors. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. Review of the requests for modification will be reviewed by a U.S. Army Corps of Engineers technical review team considering the following factors:

1. **Impair the Usefulness of the Project Determination.** The review team will determine if the proposed alteration would limit the ability of the project to function as authorized, or would compromise or change any authorized project conditions, purposes, or outputs. The decision whether to approve a request for modification would be based on a determination of no impairments.
2. **Injurious to the Public Interest Determination.** Proposed alterations will be reviewed to determine the probable impacts, including cumulative impacts, on the public interest. Evaluation of the probable impacts that the proposed alteration to the U.S. Army Corps of Engineers project may have on the public interest requires a careful weighing of all those factors that are relevant in each case. Factors that may be relevant to the public interest depend upon the type of USACE project being altered and may include, but are not limited to, such things as conservation, economic development, historic properties, cultural resources, environmental impacts, water supply, water quality, flood hazards, floodplains, residual risk, induced damages, navigation, shore erosion or accretion, and recreation. The decision whether to approve an alteration will be determined by the consideration of whether benefits are commensurate with risks. If the potential detriments are found to outweigh the potential benefits, then it may be determined that the proposed alteration is injurious to the public interest.
3. **Environmental Compliance.** A decision on a Section 408 request is a federal action and is therefore subject to the National Environmental Policy Act (NEPA) and other environmental compliance requirements. While ensuring compliance is the responsibility of USACE, the requester is providing all information that the St. Louis District identifies as necessary to satisfy all applicable federal laws, executive orders, regulations, policies, and ordinances. NEPA and other analysis completed to comply with the other environmental statutes (e.g. Endangered Species Act) should be commensurate with the scale and potential effects of the activity that would alter the US Army Corps of Engineers project. The scope of analysis for the NEPA and environmental compliance evaluations for the Section 408 review is limited to the area of

alteration and those adjacent areas that are directly or indirectly affected by the alteration.

In compliance with Section 7(c) of the Endangered Species Act of 1973, as amended, a list of species and critical habitat was acquired from the USFWS Information for Planning and Conservation (IPaC) website on 09 August 2024 (Project Code: 2024-0128442) for the project's Action Area. The IPaC list included the following species: gray bat, Indiana bat, northern long-eared bat, tricolored bat; pallid sturgeon, monarch butterfly, and decurrent false aster. A "may affect, not likely to adversely affect" determination was made for gray bat, Indiana bat, northern long-eared bat, tricolored bat, and decurrent false aster. A "not likely to jeopardize the continued existence of" determination was made for the monarch butterfly. A "no effect" determination was made pallid sturgeon. Consultation under Section 7 is requested from the USFWS during this Public Notice period and any comments will be resolved before the permit is issued.

An automatically generated Natural Heritage Report was obtained by USACE from the MDC Heritage website on 09 August 2024. The report did not identify any records of state-listed species in the Action Area but did advise that Federally-listed species and bald eagles may occur in the Action Area. The report recommended revegetating areas of soil disturbance with native species to minimize erosion. MDC will be invited to comment on the project during the Public Notice period and any comments will be considered prior to the permit being issued.

The Migratory Bird Treaty Act (MBTA) of 1918 provides protection for bird species native to North America. Missouri falls in the Mississippi Flyway, a bird migration route which follows the Mississippi River, the Missouri River, and the Lower Ohio River in the United States. The habitats along the Mississippi Flyway are important nesting and feeding areas for many migratory birds and waterfowl species. A variety of migratory birds might occur in the project areas, some as migrants and some as breeders, depending on the time of year. Year-round residents would also be present. The proposed construction would not require tree clearing that could impact roosting or nesting migratory birds. The Action Area is routinely mowed which makes the site unsuitable for ground nesting birds. The Action Area provides only marginal habitat for migratory birds, but several natural areas in the vicinity provide a variety of quality habitats.

Although the bald eagle (*Haliaeetus leucocephalus*) was removed from the federal list of threatened and endangered species in 2007, it continues to be protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act (BGEPA). The BGEPA prohibits unregulated take of bald eagles, including disturbance. The U.S. Fish and Wildlife Service developed the National Bald Eagle Management Guidelines to provide landowners, land managers, and others with information and recommendations regarding how to minimize potential project impacts to bald eagles, particularly where such impacts may constitute disturbance. The nearest nests are on the right descending bank of the Mississippi River at the Confluence Point State Park. Since these nests are greater than 660 feet from the proposed action area, a disturbance permit is not required. If a bald eagle nest is found within 660 feet of the proposed project area, or in the vicinity of the project area, then the applicant should immediately contact the USFWS and implement the National Bald Eagle Guidelines.

St. Louis District Archaeologists conducted a Historic Property Preliminary Review on 12 August 2024. This review determined that there are no known archeological sites within the project area. The project area was previously surveyed for cultural resources and none were found. The project is limited in scope. For these reasons, the USACE – St. Louis has made a "No Potential

to Affect Historic Properties” determination.

All actions taken were in accordance with the National Historic Preservation Act of 1966, as amended (NHPA). In the unlikely event that, earthmoving activities associated with the proposed work did impact potentially significant archeological/historic remains, all construction activities and earthmoving actions in the immediate vicinity of the remains would be held in abeyance until the potential significance of the remains could be determined. The precise nature of such investigations would be developed by the Saint Louis District in concert with the professional staff of the Illinois SHPO.

4. Environmental Impact Statement. A preliminary determination has been made that an environmental impact statement is not required for the proposed work.
5. Technical Analysis. The St. Louis District is working closely with the requestor to ensure that all technical plans, maps, drawings, specifications are provided and complete. A District-led Technical Review is being conducted to determine any potential adverse impacts to the US Army Corps of Engineers flood protection system.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, State, and Local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition, or deny a permission for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are taken into consideration in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUMMARY: It should be noted that materials submitted as part of the Section 408 request become part of the public record and are thus available to the general public under the procedures of the Freedom of Information Act (FOIA). Individuals may submit a written request to obtain materials under FOIA or make an appointment to view the project file at the St. Louis District Corps of Engineers, Office of Counsel.

Interested parties wishing to comment on the proposed activity must do so in writing no later than **October 25, 2024**. It is presumed that all parties receiving this notice will wish to respond to this public notice; therefore, a lack of response will be interpreted as meaning that there is no objection to the project as described.

This public notice is not a paid advertisement and is for public information only. Issuance of this notice does not imply Corps of Engineers endorsement of the project as described.

ORIGINAL SIGNED

John L. Osterhage
Chief, Readiness Branch

Attachment

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed for 30 days from the date of this issuance of this notice.

12" WOOD RIVER - MILAN SITE 8

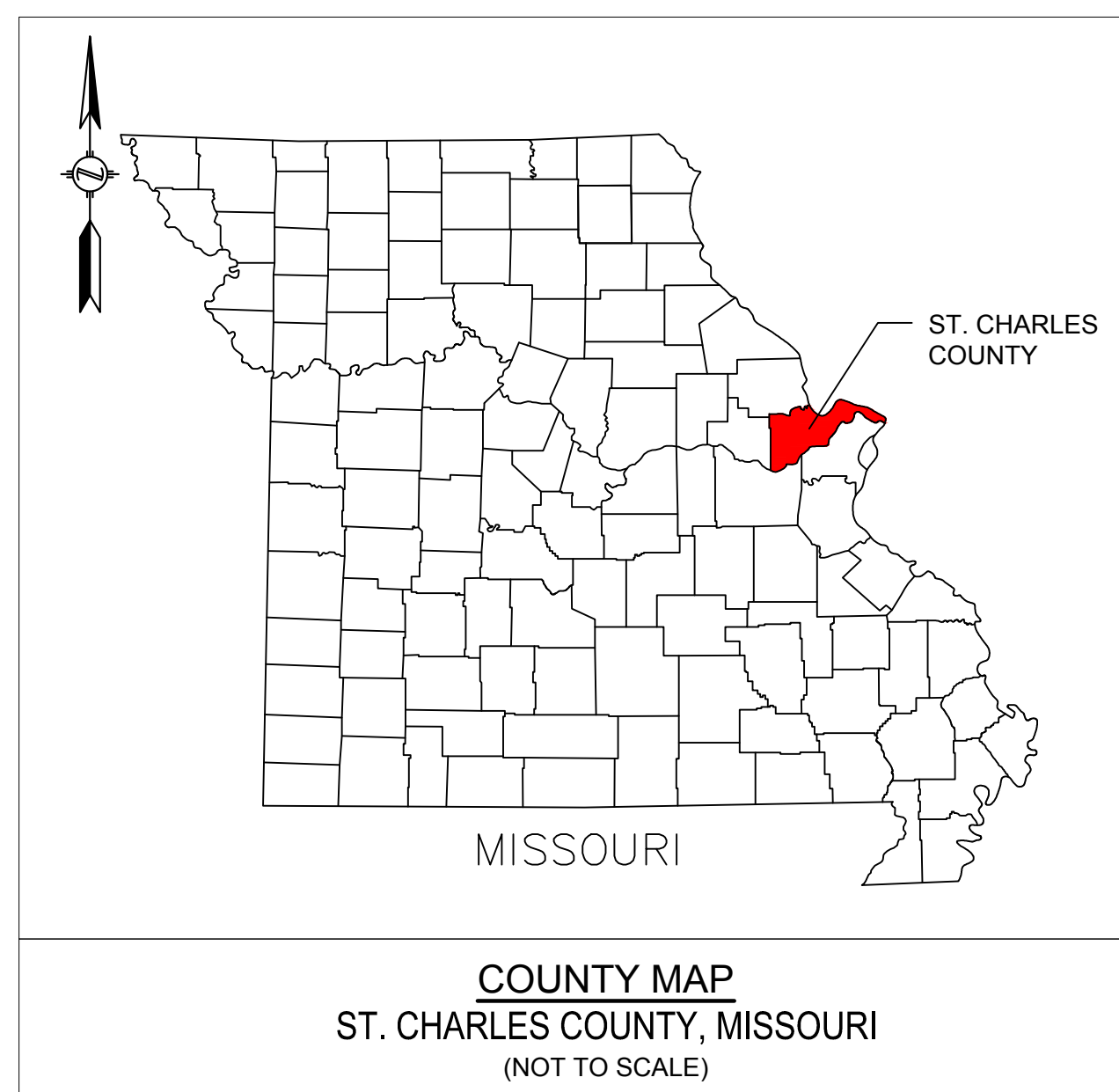
SYSTEM: WOOD RIVER-MILAN

ENGINEERING FIRM: WSP USA, INC.

ST. CHARLES COUNTY, MISSOURI



LOCATION MAP
(NOT TO SCALE)






DRAWING LIST		
DWG NO.	TITLE	REV
31405056.1206-M-PP-001	COVER AND INDEX SHEET	3
31405056.1206-M-PP-002	CONSTRUCTION PLAN AND LEGEND	3
31405056.1206-M-PP-003	SITE PLAN	3
31405056.1206-M-PP-004	PLAN AND PROFILE	3
31405056.1206-M-PP-005	TRENCH DETAILS	3

HORIZONTAL DATUM:
NAD83 MISSOURI STATE PLANES, EAST ZONE, US FOOT (MO83-EF)

VERTICAL DATUM:
NAVD 88 (US FOOT)


NOTE:

1. PIPELINE STATION IS BASED ON THE TEST LEAD STATION 8393+51 AT LAT: 38.852600 LONG: -90.1538 FROM BP TRAILBLAZER.
2. FIELD SURVEY WAS FINISHED BY WSP ON MAY 16-17, 2024.

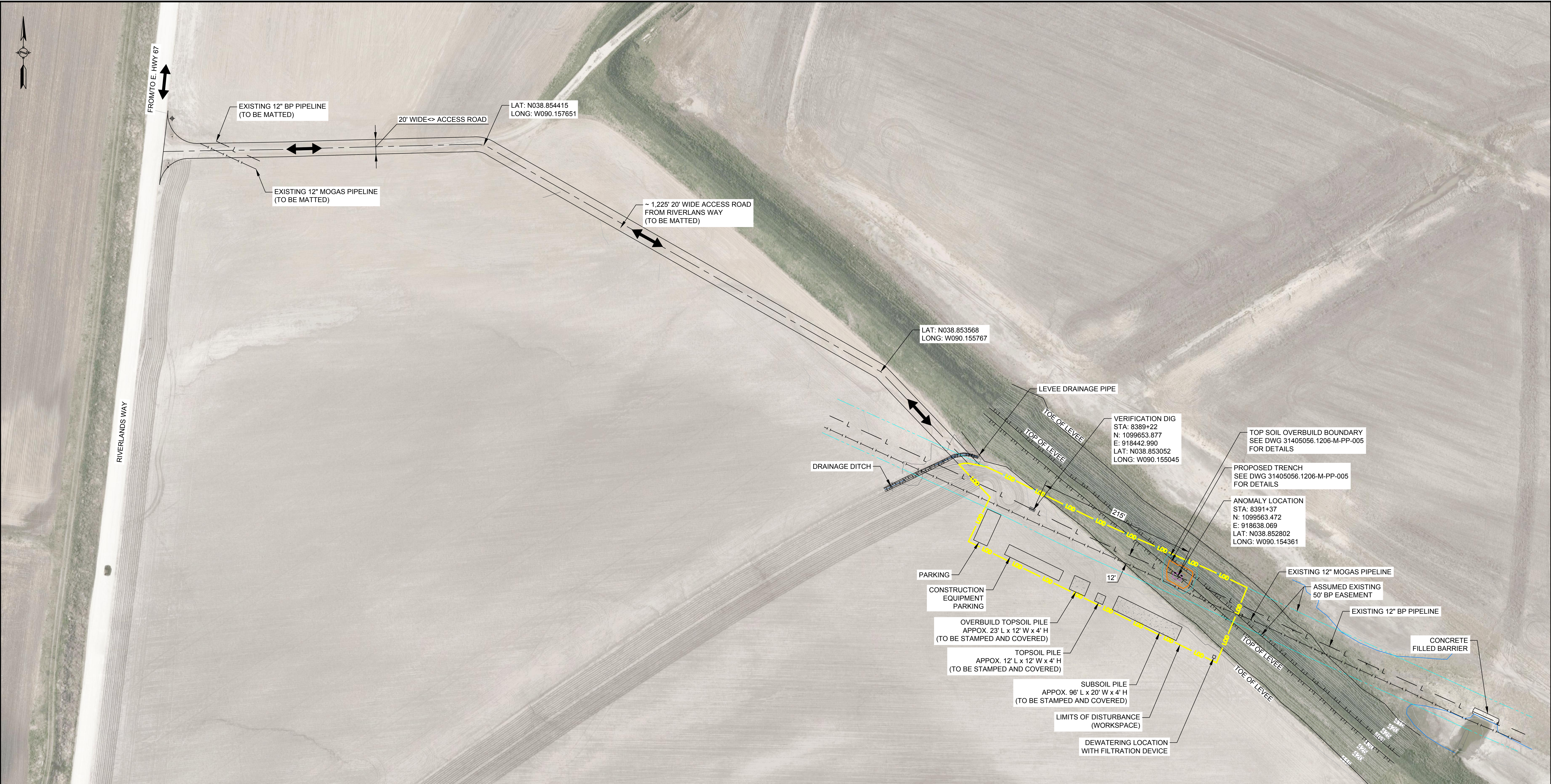
REFERENCE DRAWINGS		REVISION				APPROVAL							PROFESSIONAL ENGINEER/RPT		<div><div>US Pipelines & Logistics ENGINEERING AND MAINTENANCE</div></div>	
DRAWING No	TITLE	REV No	DATE	DESCRIPTION	PROJECT CODE	DRAFTER	DRAFTING CHECKER	DESIGNER	DESIGN CHECKER	PROJECT MANAGER	COMPANY	RICHIE A. FENTENG PE-2016000032				
		0	07/16/2024	ISSUED FOR CONSTRUCTION		MF	GAC	GAC	VH	VH	WSP	<div></div>		<div><div>5411 SKYCENTER DRIVE, SUITE 650 TAMPA, FL 33607, USA T: 1 (813) 287-1717 www.wsp.com</div></div>		
		1	08/21/2024	RE-ISSUED FOR CONSTRUCTION		MF	GAC	GAC	VH	VH	WSP					
		2	09/19/2024	RE-ISSUED FOR CONSTRUCTION		MF	GAC	GAC	VH	VH	WSP					
		3	09/24/2024	RE-ISSUED FOR CONSTRUCTION		MF	GAC	GAC	VH	VH	WSP					
												REV.	DATE			

TITLE			12" WOOD RIVER – MILAN SITE 8 COVER AND INDEX SHEET		
STATE MISSOURI		COUNTY ST. CHARLES		TOWNSHIP BLANCHETTE	
DRAWN BY WSP		DATE 07/16/2024		SCALE AS NOTED	
ALTERNATE DRAWING # 31405056.1206-M-PP-001				BP DRAWING #	

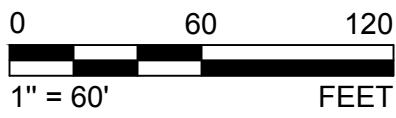
09/24/2024
RE-ISSUED FOR CONSTRUCTION

SYSTEM: WOOD RIVER-MILAN		
SEGEMENT/FACILITY:		
 <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> <h1 style="margin: 0;">US Pipelines & Logistics</h1> <p style="margin: 0;">ENGINEERING AND MAINTENANCE</p> </div>		
TITLE		
12" WOOD RIVER - MILAN SITE 8 COVER AND INDEX SHEET		
STATE MISSOURI	COUNTY ST. CHARLES	TOWNSHIP BLANCHETTE
DRAWN BY WSP	DATE 07/16/2024	SCALE AS NOTED
ALTERNATE DRAWING # 31405056.1206-M-PP-001		BP DRAWING #

C:\Users\JUSP720312\OneDrive - REMOTE\WSP\001_001\01_01\02_CADD\DWG\03_31405056.1206-M-PP-003.dwg Sep 24, 2024 - 12:50pm By: JUSP720312



PIPELINE PLAN
SCALE: 1" = 60'



09/24/2024
RE-ISSUED FOR CONSTRUCTION

REFERENCE DRAWINGS	
DRAWING No	TITLE

REVISION		
REV No	DATE	DESCRIPTION
0	07/16/2024	ISSUED FOR CONSTRUCTION
1	08/21/2024	RE-ISSUED FOR CONSTRUCTION
2	09/19/2024	RE-ISSUED FOR CONSTRUCTION
3	09/24/2024	RE-ISSUED FOR CONSTRUCTION

APPROVAL							
PROJECT CODE	DRAFTER	DRAFTING CHECKER	DESIGNER	DESIGN CHECKER	PROJECT MANAGER	COMPANY	
	MF	GAC	GAC	VH	VH	WSP	
	MF	GAC	GAC	VH	VH	WSP	
	MF	GAC	GAC	VH	VH	WSP	

PROFESSIONAL ENGINEER/RPT	
RICHE A. FENTENG	
PE-2016000032	
REV.	DATE



SYSTEM: WOOD RIVER-MILAN SEGMENT/FACILITY:		
US Pipelines & Logistics ENGINEERING AND MAINTENANCE		
TITLE 12" WOOD RIVER - MILAN SITE 8 SITE PLAN		
STATE MISSOURI	COUNTY ST. CHARLES	TOWNSHIP BLANCHETTE
DRAWN BY WSP	DATE 07/16/2024	SCALE AS NOTED
ALTERNATE DRAWING # 31405056.1206-M-PP-003		BP DRAWING #